

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA **RECEIVED**

DAVID FREEMAN

Petitioner,

2006 MAR -2 A 10:36

V.

DONAL CAMPBELL, Commissioner,
Alabama Department of Corrections,

Respondent.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
E DISTRICT ALA

DEBRA P. HACKETT, C.R.
U.S. DISTRICT COURT
DISTRICT ALA

MIDDLE DISTRICT
Action No. 2:06CV122-MF

Section 1.3.2.3.1.1

Civil Action No. 2:06CV122-MHT-VPM

MOTION FOR RECONSIDERATION OF FEBRUARY 13, 2006, ORDER DECLINING TO APPOINT CHRISTOPHER SEEDS AS COUNSEL FOR PETITIONER

Petitioner, David Freeman, by and through undersigned counsel, hereby respectfully moves the Court to reconsider the February 13, 2006 order (“Order”) entered by Magistrate Judge Vanzetta McPherson insofar as the Order declined petitioner’s unopposed motion filed on February 8, 2006 to appoint Christopher Seeds as counsel for petitioner.

I. Relevant Facts.

On February 8, 2006, Mr. Freeman filed a Motion for Appointment of Counsel Pursuant to 21 U.S.C. 848(q)(4)(B). Citing *McFarland v. Scott*, 512 U.S. 849, 855-56 (1994), Mr. Freeman requested that this Court appoint Keir M. Weyble and Christopher Seeds to represent him in the preparation, presentation, and litigation of a petition for writ of habeas corpus.¹ The motion for appointment explained that Mr. Seeds was a member in good standing of the New York Bar and anticipated admittance to the Bar for the Southern District of New York within the next thirty days. The motion explained that a motion to admit Mr. Seeds *pro hac vice* to the Bar of this Court would

¹ Petitioner incorporates by reference herein the relevant facts set forth in the Motion for Appointment pertaining to the history of Mr. Freeman's case and the background and qualifications of counsel.

be submitted as soon as Mr. Seeds secured admission to the Bar of the Southern District of New York. Noting the significant amount of work Mr. Seeds had already done in connection with Mr. Freeman's habeas petition, petitioner requested that, in the interim, the Court provisionally appoint Mr. Seeds.²

By order dated February 13, 2006, United States Magistrate Judge McPherson granted petitioner's request to appoint Mr. Weyble. The Court declined to appoint Mr. Seeds "at this time because he has not yet filed a motion for *pro hac vice* admission and because it is the policy of this court to appoint only one lawyer in a capital habeas case who resides outside this district and to require the appointment of local co-counsel from the Federal Defenders Office in the Middle District of Alabama." *Freeman v. Campbell*, 2:06CV122-MHT-VPM (Feb. 13, 2006) at 2 n.1.

On February 15, 2006, Mr. Weyble filed a petition for writ of habeas corpus on behalf of Mr. Freeman, noting that Mr. Seeds' admission to the Bar of the Southern District of New York was expected on February 28, 2006, and that "[t]hereafter, Mr. Seeds will promptly submit a motion for *pro hac vice* admission to this Court, as well as a motion for reconsideration of the denial of his request for appointment in this case." Petition for Writ of Habeas Corpus at 66 n.14. Petitioner "respectfully request[ed] that the Court defer any action on the appointment of co-counsel until such time as Mr. Seeds, who has already devoted significant time and effort to familiarizing himself with this case and preparing this petition, can establish his eligibility for admission *pro hac vice* and for appointment in this case." *Id.*

As anticipated, Mr. Seeds was admitted to the Bar of the Southern District of New York on the morning of February 28, 2006. Mr. Seeds has filed a Motion for Admission *Pro Hac Vice*

²Mr. Weyble filed a motion for *pro hac vice* admission contemporaneously with the Motion for Appointment.

pursuant to Local Rule 83.1(b) with an annexed certificate of good standing from the Bar of the Southern District of New York, contemporaneously with this Motion for Reconsideration.

II. Conclusion.

WHEREFORE, petitioner respectfully requests that this Court reconsider the February 13, 2006 Order declining to appoint Mr. Seeds as counsel for petitioner, and enter an order appointing Mr. Seeds as co-counsel for petitioner with Mr. Weyble.

Respectfully submitted,

KEIR M. WEYBLE
Blume & Weyble, LLC
P.O. Box 11774
Columbia, SC 29211
(803) 765-1044

BY:



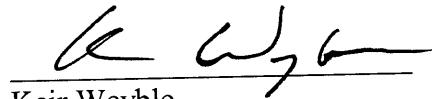
Attorney for Petitioner

March 1, 2006.

CERTIFICATE OF SERVICE

I certify that on March 1, 2006, I served the Motion for Reconsideration of February 13, 2006, Order Declining to Appoint Christopher Seeds as Counsel for Petitioner in the action of *Freeman v. Campbell*, Civil Action No. 2:06CV122-MHT, on opposing counsel by depositing a copy of the Motion in the United States Mail, first class postage paid, to the following address:

Clay Crenshaw
Office of the Attorney General
Alabama State House
11 South Union Street
Montgomery, AL 36130


Keir Weyble

March 1, 2006.